

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No. 3147/2018
(Vikas alias Pradyumn Singh Vs. State of MP)
(1)

Gwalior dated : 24.1.2018

Shri Dharendra Singh, Advocate for applicant.
Shri B.M.Patel, Public Prosecutor for
Respondent/State.

Case Diary is perused.

Learned counsel for the rival parties are heard.

The applicant has filed this first application u/S 439, Cr.P.C. for grant of bail.

The applicant has been arrested by Police Station Bahadurpur, District Ashoknagar in connection with Crime No.264/2017 registered in relation to the offences punishable under sections 376 and 506 Part II of IPC and sections 3/4 of the POCSO Act.

Prosecution story, in nutshell, is that on 19/10/17, at about 7 a.m., when prosecutrix, aged about 17 years, had gone outside for washing her face, at that time, applicant came there and taking advantage of her being alone, committed rape upon her. On hue and cry having been raised by the prosecutrix, her mother came and seeing her, the applicant fled from the spot.

Learned counsel for the applicant submits that applicant has been falsely implicated. He submits that the incident has allegedly taken place on 19/10/17, whereas the FIR has been lodged on 26/10/17 i.e. with a delay of about 7 days. It is submitted that in MLC no injury was found on the body of prosecutrix. It is submitted that applicant is in custody since 27/10/17 and conclusion of trial will take time. The applicant is a permanent resident of Village Barri, P.S. Bahadurpur,

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District Ashoknagar and there is no likelihood of his absconsion, if released on bail. With the aforesaid submissions, prayer for grant of bail is made.

Learned Public Prosecutor opposed the application by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out. He submits that the MLC report indicates evidence of sexual intercourse. Besides, in the FSL report, human sperms have been found in the vaginal slide of the prosecutrix. That apart, in her statement recorded under section 164 of the Cr.P.C., the prosecutrix has supported the prosecution version.

Having heard learned counsel for the parties, but without expressing any opinion on the merits of the case, in the opinion of this Court, no case for grant of bail is made out.

The application, accordingly, stands dismissed.

(S.A. Dharmadhikari)
Judge

(and)

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